

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: JOHNSON & JOHNSON TALCUM POWDER
PRODUCTS MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION**

Baker v. Johnson & Johnson, et al.,)
N.D. Illinois, C.A. No. 1:17-06595)

MDL No. 2738

ORDER REINSTATING STAY OF CONDITIONAL TRANSFER ORDER

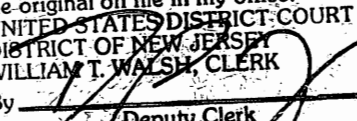
On September 19, 2017, the Panel filed in this docket a conditional transfer order (CTO-56) pertaining to this action (*Baker*). In the absence of any known opposition to the proposed transfer, the stay of transmittal with regard to *Baker* was lifted on September 27, 2017, and the action was transferred to the District of New Jersey.

Subsequently on September 27, 2017, plaintiff, through counsel, filed an untimely notice of opposition. For reasons unexplained, counsel filed the opposition with the transferor court and not with the Panel. On September 28, 2017, plaintiff filed a motion to reinstate the conditional transfer order. Counsel states that plaintiff filed a motion for remand with the transferor court on September 20, 2017. Counsel further states that, in response to the remand motion, the transferor judge established a briefing schedule and set a hearing date. Counsel asserts that it was "reasonable" to rely upon the actions of the transferor court and assume that her motion for remand would be heard and decided by the transferor judge prior to any potential transfer to this MDL. Appended to plaintiff's motion is a notice of opposition, along with certain other supporting documents. Defendants Johnson & Johnson, Johnson & Johnson Consumer Companies, Inc., and Imerys Talc America, Inc., oppose reinstatement.

In this instance, the Panel will reinstate the conditional transfer order in *Baker* in order to permit plaintiff to pursue her opposition to transfer. Defendants' arguments in opposition to reinstatement primarily are directed to the merits of transfer and are more properly presented in opposition to plaintiff's motion to vacate the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-56" filed on September 19, 2017, is REINSTATED.

IT IS FURTHER ORDERED that plaintiff's notice of opposition is deemed filed as of the date of this order. Plaintiff's motion to vacate the conditional transfer order, and a separate supporting brief, will be due according to the briefing schedule that will issue shortly.

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office.
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
WILLIAM T. WALSH, CLERK
By  Deputy Clerk

FOR THE PANEL:


Jeffery N. Lüthi
Clerk of the Panel